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May 8, 1997

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Federal Communications Commission  
Office of Secretary

Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: CS Docket No. 97-55

Dear Sir/Madam:

Enclosed is an original and ten copies of the Reply Comments by the Public Broadcasting Service ("PBS") on the Industry Proposal for Rating Video Programming.

Please return one (1) copy marked "Received" in the enclosed, postage prepaid envelope. Should you have any questions or need additional information, please feel free to call me at 703/739-5053.

Cordially,

A handwritten signature in cursive script that reads "Kris Rao".

Kris S. Rao  
Assistant General Counsel

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Federal Communications Commission  
Office of Secretary

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	C.S. Docket No. 97-55
	)	
Industry Proposal for Rating	)	
Video Programming	)	

To: The Commission

**Reply Comments of  
Public Broadcasting Service  
on Industry Proposal for Rating Video Programming**

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May 8, 1997

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To: The Commission

**Reply Comments of  
Public Broadcasting Service  
on Industry Proposal for Rating Video Programming**

The Public Broadcasting Service ("PBS") submits these reply comments in response to the FCC Public Notice, released February 7, 1997 ("FCC Notice") seeking comment on the joint proposal of the National Association of Broadcasters, the National Cable Television Association and the Motion Picture Association of America for a voluntary ratings system for video programming (the "Proposed Industry System"). PBS submitted initial comments in this matter on February 8, 1997.

## Introduction

PBS is a private, nonprofit corporation organized by the licensees of the nation's 349 public television stations. PBS provides national program distribution and other services to its member stations, and frequently speaks for the public television community in matters relating to the distribution of programming. These comments address the issue of whether the Proposed Industry System represents an acceptable standard for rating potentially objectionable programming to assist parents in making viewing decisions.

I. The comments filed with the Commission reveal widespread dissatisfaction with the Proposed Industry System from the viewing public, public interest groups and members of Congress.

The Proposed Industry System has received criticism on a variety of levels since many television programmers began using the system in January. Substantively, the Proposed Industry System fails to provide viewers with content-specific information, relying instead on age-based ratings. In addition, the industry system contains vague and equivocal definitions and fails to identify children's programming of particular educational value. The application of the system has been inconsistent at best, with more than seventy percent (70%) of programs receiving the middle-of-the-road TV-PG rating.

The comments filed with the FCC reflect the widespread dissatisfaction with the Proposed Industry System. The vast majority of comments filed have found the industry system represents an unacceptable standard for rating video programming. The failure to provide content-specific information has been highlighted as the system's most glaring weakness. Viewers such as John Baldwin Elementary School (Danville, California) PTA President Pam Goettge have found that the "system does not provide the type of information parents would like to

have in order to make television viewing decisions for their children," and have asserted that "parents prefer a rating system that describes the content of programs, rather than the age-based system that has been proposed." A coalition of 20 public interest groups, including the Center for Media Education, Children's Defense Fund, National Association of Elementary School Principals, and National Education Association, echoes these concerns, stating that the system "fails to empower parents by specifically identifying violent content and by providing parents with the descriptive information about violence, sexual content and adult language necessary to make effective programming choices for their children." Finally, a group of 23 members of Congress joins the call for a content-based ratings system, stating that the intent of Section 551(e) of the Telecommunications Act of 1996 is to promote ratings that provide "a range of choices based on content that may be considered harmful to children, including violent and sexual material."

II. The Commission should find the Proposed Industry System to be only "provisionally acceptable" and impose a period for further evaluation and improvement.

Clearly, there exists a prevailing discontent with the Proposed Industry System. As such, the industry system cannot be deemed acceptable in its present form. Should the Proposed Industry System be declared unacceptable, however, the Commission will be faced with the prospect of creating a governmentally-invented system, raising serious First Amendment issues.

As stated in the initial comments, PBS believes that this dilemma can be avoided by declaring the Proposed Industry System "provisionally acceptable" and providing for a one year-to-eighteen month period for further review. This period would allow for changes to the system to be recommended, considered, incorporated and evaluated. At the conclusion of the provisional period, the Commission could call for further public comment and, based on the experience of the review period, recommend improvements in the system to the industry. PBS believes that this approach will result in a dramatically improved ratings system in touch with viewers' needs and preferences and based on facts, actual experience

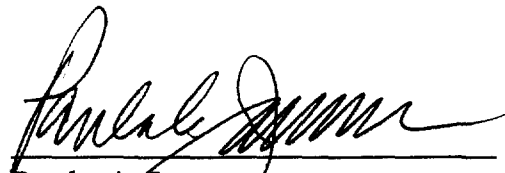


and research, while avoiding the legal issues raised by a Government-created system.

### Conclusion

The viewing public has responded to the Commission's call for comments on the Proposed Industry System with a clear message as to the changes required to make the system an effective tool for evaluating potentially objectionable programming. PBS urges the Commission to declare the Proposed Industry System "provisionally acceptable," thereby providing for the overhaul of the industry system to meet the needs of viewers.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Paula A. Jameson', written over a horizontal line.

Paula A. Jameson  
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General Counsel and Secretary

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Assistant General Counsel

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